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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION OF
SOUTHERN CALIFORNIA,

Plaintiff,

v.

UNITED STATES IMMIGRATION
AND CUSTOMS ENFORCEMENT, et
al.,

Defendants.

No. 2:22-cv-04760-SHK

**DEFENDANT DEPARTMENT OF
HOMELAND SECURITY'S SECOND
SUPPLEMENTAL RESPONSE**

Honorable Shashi H. Kewalramani
United States Magistrate Judge

1 Defendant Department of Homeland Security (“DHS”) submits the following
2 supplemental response to Plaintiff ACLU of SoCal’s “Status Report” [Dkt. 101], and as
3 directed by the Court’s December 19, 2024 Order [Dkt. 108] and inquiries raised during
4 the December 19, 2024 Status Conference, including “an explanation related to the
5 OCIO search, detailing the technical issues affecting the use of search terms, including
6 how these issues impact the ability to obtain hit counts and page numbers of responsive
7 materials.” *See* Dkt. 108.

8 As reported in its response [Dkt. 103] and supplemental response [Dkt. 105],
9 following referral of Plaintiff’s FOIA Request to the Office of Civil Rights and Civil
10 Liberties Office, two separate file sources have been searched. First, CRCL conducted
11 searches of its Case Management System files (CMS). Second, CRCL also requested
12 that the Office of Chief Information Officer (OCIO) conduct searches of CRCL
13 OneDrive and email files utilizing a very basic version of Microsoft eDiscovery
14 Standard. *See* Dkt. 105 at 5.

15 Generally, CRCL’s request to OCIO for a file search requires the names of the
16 owners of the files, also known as the custodians, and the corresponding email address.
17 CRCL also includes specific search terms and date ranges that OCIO should include in
18 its file search. OCIO is only able to use short strings of search terms and cannot conduct
19 search with complicated search strings.¹ Depending on the number of terms for each
20 search, the file search can take anywhere from a few hours to a few days to complete.²
21 In instances where the file search returns an overly broad result, OCIO will seek
22 consultation from CRCL for greater clarity on the subject matter in an effort to yield a
23 more precise and responsive file search result. With each such change to the file search
24

25 ¹ OCIO has in the past attempted to include complicated search terms resulting in
26 the entire system crashing. When this occurs, OCIO requests that CRCL provide a more
abridged version of the search string.

27 ² Microsoft eDiscovery is unable to complete searches with complicated strings of
28 search terms. Thus, for more complicated searches, OCIO must break them down into
sub-searches by utilizing separate search strings and then compiling all results together.

terms, OCIO must begin with a new search, restarting the process. Thus, OCIO must re-enter the new search terms and run the search to determine the search results.

The OCIO file search results are then reported to CRCL using two characteristics: (1) file size; and (2) the number of items in the search results. File size is reported in a unit of measurement for digital information, usually as megabyte (MB) or gigabyte (GB). The number of items in the search results includes the number of individual documents, emails, or other electronic files that the search yields. But this is not the same as the number of “hit counts” because it does not reflect the number of documents if they are grouped together, for example, like in a zip file or an email with attachments. Microsoft eDiscovery is unable to provide hit counts. *See* Dkt. 105 at 3-5. This process is applicable for both file searches of a user’s emails and a user’s electronic files stored in OneDrive. Thus, a sample OCIO report has the following information:

Search Terms Utilized	Search String (i.e. “New /2 Year”)	Date Range (i.e. 1/1/2024 – 1/1/2025)
One Drive Search Results		
John Smith	15 MB	170 Items
Email Search Results		
John Smith	20 MB	180 Items

OCIO is unable to conduct deduplication of its items by custodian³ nor can it provide page counts of the products of its searches.

Upon completion of its search, OCIO shares the search results as an Outlook Data File in shared drives with CRCL, which then must upload the file manually into Secure Release (SR) software in order to process record requests. Once the file is ingested into SR, the container for any grouped files will expand and identify the number of individual

³ Deduplication is limited because each item may have different metadata which can result in an identical document with different metadata. Thus, Microsoft eDiscovery Standard lists two of the same items as different items because of its different metadata.

documents found. For example, one email provided by OCIO can result in multiple documents once expanded if the email contains attachments. SR will extract each attachment from the one email and the attachments will become their own document, resulting in the accurate hit count for documents once ingested. CRCL then reviews and processes the documents in SR, making redactions and withholdings as permissible under FOIA law.

As previously indicated in its last Supplemental Response, OCIO maintains a small staff. *See* Dkt. 105 at 5. The Data Acquisition Team (DAT) within OCIO is responsible for searching and providing data to the various agencies within DHS, including CRCL. The DAT is comprised of one full-time federal employee and two contractors.

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Respectfully submitted,

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